



# Department of Justice

## ENVIRONMENTAL PROTECTION AGENCY



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### **EPA TO RECEIVE \$62 MILLION FOR PAST CLEANUP COSTS**

HELENA, M.T. – The Department of Justice and the U.S. Environmental Protection Agency announced today they have reached an agreement with Atlantic Richfield in a consent decree reimbursing the federal government for cleanup costs at four portions of the Clark Fork Basin Superfund sites.

Under the consent decree, EPA will receive \$50 million in payments from Atlantic Richfield Company, commonly known as ARCO, a subsidiary of British Petroleum and another \$12 million from the US Judgement Fund for a total of \$62 million. The consent decree was negotiated to cover EPA cleanup costs in the Clark Fork Basin from the early 1980s until July 31, 2002.

EPA and ARCO have been in litigation over these costs in the federal district court for Montana for many years.

As part of the agreement, ARCO will agree not to assert liability defenses against the United States for reimbursement for the considerable costs it has incurred at the sites or for the conduct of future cleanup actions. The agreement also settles all of ARCO's counterclaims against several federal agencies which ARCO claims are also liable parties under Superfund.

“We are accomplishing two important goals with this agreement. First, the cleanup of the Clark Fork River, Butte, Anaconda, and Warm Springs Pond sites will move forward,” said Tom Skinner, Acting Assistant Administrator, Office of Enforcement and Compliance Assurance. “And second, the people responsible for this problem will pay for that cleanup.”

“This settlement will hopefully streamline future discussions with ARCO for the remaining cleanup actions in the Clark Fork Basin,” said Carol Rushin, U.S. EPA Region 8 Assistant Regional Administrator for Enforcement. “We’re very pleased we were able to reach an agreement with ARCO.”

ARCO’s waiver of its key liability defenses and all of its counterclaims against the United States signals that ARCO recognizes its responsibility to clean up those sites as well.

“This excellent settlement recovers substantial funds that can be used for cleanup at these Superfund sites, and it clears the way for future Clark Fork Basin settlements with Atlantic Richfield that will vastly improve conditions in the basin,” said John Cruden, Deputy Assistant Attorney General for the Environment and Natural Resources Division at the Justice Department.

“The citizens of Montana will benefit greatly from this settlement, which should expedite future cleanup efforts from Butte to Anaconda and along the Clark Fork River.” said William Mercer, the United States Attorney for the District of Montana in agreement.

The agreement will be the subject of a 30-day public comment period after DOJ issues a federal register notice for the settlement.

Comments should be sent to DOJ at:

Assistant Attorney General - Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611  
Refer to U.S. v. ARCO (D.Mt.), DOJ Case Number 90-11-2-430

The areas covered are the Anaconda Smelter Site, the Clark Fork River Operable Unit of the Clark Fork River/Milltown Reservoir Sediments Site, and the Warm Springs Ponds and Butte Priority Soils Operable Units of the Silver Bow Creek/Butte Area Site. The agreement does not address the Milltown Reservoir Sediments Operable Unit.

The proposed Consent Decree may be examined at the office of the U.S. Attorney for the District of Montana, 2929 Third Avenue North, Suite 400, Billings, Montana 59101, and at U.S. EPA Region VIII Montana Office, Federal Building, 10 West 15<sup>th</sup> St., Suite 3200, Helena, Montana 59624.

During the public comment period, the Consent Decree may also be examined on the Department of Justice website, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax number (202) 514-0097, phone confirmation number (202) 514-1547.

In requesting a copy of the Consent Decree, reference United States v. ARCO, DOJ Case Number 90-11-2-430, and enclose a check in the amount of \$10.00 (for page reproduction cost) payable to the U.S. Treasury. Copies can also be obtained by calling Diana Hammer, EPA, (406) 457-5040 or by email ([hammer.diana@epa.gov](mailto:hammer.diana@epa.gov)).

Copies of the Consent Decree are available for viewing at these Information Repositories:

EPA Butte Office  
155 W. Granite  
Butte, MT 59701

Hearst Free Library  
4th and Main Street  
Anaconda, MT 59711

Powell County Courthouse  
Planning Office  
409 Missouri  
Deer Lodge, MT 59722

Missoula City/County Library  
301 East Main  
Missoula, MT 59802

Mansfield Library  
University of Montana  
Missoula, MT 59812

Montana Tech Library  
1300 W. Park  
Butte, MT 59701

Grant Kohrs Ranch, National Historic Site  
National Park Service  
210 Missouri Ave.  
Deer Lodge, MT 59722

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